



## STAFF REPORT

### CITY OF COLUMBUS PLAN COMMISSION (December 9, 2015 Meeting)

**Docket No. / Project Title:** MP-15-08 (Westwood 5<sup>th</sup> Replat)  
**Staff:** Allie Keen  
**Applicant:** Mark Pratt  
**Property Size:** 6.73 Acres  
**Current Zoning:** PUD (Westwood Planned Unit Development)  
**Location:** Southeast corner of the intersection of State Road 46 and Westwood Boulevard, in the City of Columbus.

#### Background Summary:

The applicant has indicated that the proposed subdivision is for the purpose of creating one new lot consisting of 2 acres. The proposed new lot fronts State Road 46 which is classified as a principle arterial street by the Columbus Thoroughfare Plan. The Subdivision Control Ordinance requires the installation of any required sidewalks with the minor subdivision process. The sidewalk requirement for arterial streets is determined by the Plan Commission.

Also, the applicants are requesting a modification from Subdivision Control Ordinance Section 16.24.010(B)(1) to delay the requirement to install sidewalks along Westwood Boulevard, which is classified as a local street, until the property develops.

#### Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Does the proposed modification to not install the required sidewalks along the Westwood Boulevard frontage meet the modification decision criteria?
2. Should sidewalks be required along the State Road 46 frontage as a part of the subdivision?
3. Should the existing "No Access" easement be removed along the Westwood Boulevard frontage of the new lot?

#### Preliminary Staff Recommendation:

Approval of the subdivision, subject to the "No Access" remaining as previously shown and without the requirement to install sidewalks along the State Road 46 frontage due to the topography and existing conditions along this frontage that make a sidewalk not feasible at this location.

Staff also recommends approval of the modification request to delay the sidewalk requirement along Westwood Boulevard until the lot is developed. This approval of the subdivision should be subject to the following condition: A note shall be added to the plat stating the following: A sidewalk meeting the applicable width, construction, and location standards of the Subdivision Control Ordinance shall be installed along the Westwood Boulevard frontage of Lot 6 at the time it is developed. Sidewalk construction along the Westwood Boulevard frontage of Block A-B shall be determined by the applicable regulations at the time of its platting and/or development.

**Plan Commission Options:**

In reviewing a request for *minor subdivision approval*, which includes a request for modification(s) the Plan Commission may (1) approve the modification(s) and the subdivision, (2) deny the modification(s) and the subdivision, or (3) continue the review to the next Plan Commission meeting. If more than one modification is requested, the Plan Commission may approve some, all, or none of the requests. The Plan Commission may attach conditions to the approval of the modification(s); however the conditions should be directly related to the circumstances of the modification requested. (Per Subdivision Control Ordinance Section 16.40.050)

**Modification Decision Criteria:**

Indiana law and Columbus Subdivision Control Ordinance Section 16.40.050 require that the Plan Commission approve all subdivisions which meet the applicable requirements. The Columbus Plan Commission has delegated the approval authority for Minor Subdivisions to the Plat Committee. This application is being considered by the Plan Commission because the Plat Committee found at least one aspect of the proposal to be inconsistent with the Subdivision Control Ordinance. Section 16.32.020 of the Subdivision Control Ordinance indicates that the Plan Commission may grant a modification of the requirements of the Ordinance upon the determination that each of the following is true:

1. The modification will not be detrimental to the public, health, safety, and general welfare.
2. Adjacent property will not be adversely affected.
3. The modification is justified because of exceptional topographic or other physical conditions unique to the property involved, as opposed to mere inconvenience or financial disadvantage.
4. The modification is consistent with the intent of the Zoning Ordinance, other applicable ordinances, and the Comprehensive Plan.
5. The modification will not conflict with the requirements of the Zoning Ordinance including but not limited to lot area, lot frontage, lot width, and setback(s).

**Outstanding Technical Comments:**

The following outstanding technical comments must be addressed by the applicant:

1. In the property description, "Block A1" should be labeled as "Block A-A" to be consistent with the previous plat.
2. In the site location map, please outline or label the entire Westwood subdivision.
3. The Chairman for Plan Commission is "Roger Lang" and the secretary is "David Fisher."
4. There is nothing that addresses who utilizes/maintains the detention easement on the plat or in the owner's certificate. This should be addressed on both this minor subdivision plat and the administrative plat (Case# AD-15-27).

<b>Current Property Information (entire subdivision site):</b>	
<b>Land Use:</b>	Vacant/Undeveloped
<b>Site Features:</b>	There are no significant site features at this location.
<b>Flood Hazards:</b>	There are no flood hazards at this location.
<b>Special Circumstances:</b> (Airport Hazard Area, Wellfield Protection Area, etc.)	There are no special circumstances at this location.

<b>Vehicle Access:</b>	This property can only gain access from Westwood Boulevard (Local, Commercial, Suburban). There is no access platted along the State Road 46 frontage and a portion of the Westwood Boulevard frontage.
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<b>Surrounding Zoning and Land Use (entire subdivision site):</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CR (Commercial: Regional)	Commercial (Westhill Shopping Center)
<b>South:</b>	PUD (Westwood Planned Unit Development)	Multi-Family (Westwood Pines Apartments)
<b>East:</b>	PUD (Woodcrest Planned Unit Development)	Two-Family Residential Office
<b>West:</b>	PUD (Westwood Planned Unit Development)	Retail (CVS Pharmacy) Office

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	The "No Access" easement should remain as previously shown. If a drive is allowed in that area it will result in vehicles making turns across a thru lane and turn lane to access the property. Also, this drive may be blocked by the queue from the signalized intersection.
<b>City Utilities:</b>	No Comments.
<b>Parks Department:</b>	No Comments.
<b>INDOT:</b>	No Comments.

### **History of this Location:**

The relevant history of this property includes the following:

1. On October 5, 1994, the Columbus Plan Commission approved the Westwood Major Subdivision Preliminary Plat (PP-94-9). The preliminary plat consisted of 2 public streets and 3 blocks consisting of 39.27 acres. The three blocks were intended to be broken up into separate building lots in order to develop the property.
2. On August 27, 1997, a final plat (FP-97-9) for Westwood was approved and consisted of 4 lots and 3 blocks intended for future development. The subject property is Block A of this final plat.
3. On February 6, 2001, a minor subdivision (MP-01-02) was approved that created Lot 1B, where CVS is currently located.
4. On February 15, 2009, a minor subdivision (MP-08-01) was approved that created Lot 5A, where Residence Inn is located.

### **History of this Application:**

The relevant history of this application includes the following: This application was reviewed by the Columbus Plat Committee at its November 19, 2015 meeting. The following comments are unresolved:

1. Plan Commission needs to make the determination whether sidewalks along State Road 46, which is a principle arterial street, should be required to be installed as a part of the subdivision request.
2. The applicants needed to either install the required sidewalks along the Westwood Boulevard frontage or request a modification to waive the sidewalk requirement.
3. The Plan Commission needs to determine whether the existing "No Access" easement should remain as it is or be removed along Westwood Boulevard.

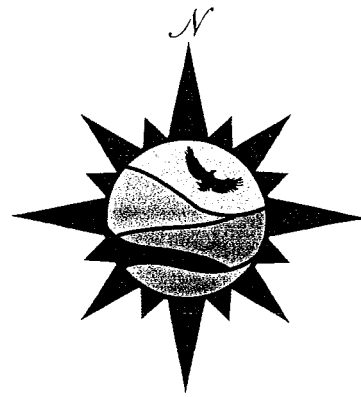
### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is proposing to create 1 new lot within the Westwood Major Subdivision that is 2 acres in size and located at the southeast corner of the intersection of State Road 46 and Westwood Boulevard.
2. The proposed lot has frontage along Westwood Boulevard which is identified as a local street. The Subdivision Control Ordinance requires a 5 foot wide sidewalk to be installed along this frontage as a part of the minor subdivision process, per Section 16.24.010(B)(1). The applicants are requesting to delay this requirement as a part of the subdivision process. They would instead prefer to install the sidewalk when the property is developed. Per Zoning Ordinance Section 7.3(Part 2)(A), all development in commercial zoning districts shall provide public sidewalks in all adjoining street and road rights-of-way.
3. Subdivision Control Ordinance Section 16.24.010(B)(1) also states that the sidewalk requirement along arterial streets shall be determined by the Plan Commission. The proposed lot also has frontage on State Road 46, which is identified as a principle arterial. Currently, there are no sidewalks along either the north or south sides of State Road 46 in this area until the Goeller Boulevard intersection where the People Trail begins on the north side of the street. Although a sidewalk connection between the Westwood Development and this People Trail is desirable along State Road 46, the existing topography would make it difficult to install a sidewalk.
4. Currently there is a platted "No Access" easement along the entire State Road 46 frontage and along approximately 105 feet of the Westwood Boulevard frontage of the subject property. This "No Access" notation was shown on both the Preliminary and Final Plats for Westwood. With the proposed plat, this "No Access" easement would limit the access to the new lot to approximately 84 feet along Westwood Boulevard. The applicants are proposing to remove the no access easement along Westwood Boulevard with the proposed plat in order to provide more flexibility when developing the new lot. It is at the Plan Commission's discretion as to whether or not the "No Access" easement can be removed because it was a part of the approved preliminary plat for Westwood. The City Engineering Department has recommended that the no access easement remain as it is currently platted for the purpose of preventing an access point close to the State Road 46 intersection. They have stating that if a driveway was permitted at this location it would result in vehicles accessing the property by crossing a thru lane and turn lane. Additionally Engineering stated the drive may become blocked by a queue from the signalized intersection.
5. In February of 2001, a minor subdivision was approved for the creation of Lot 1B, which is where CVS is currently located. On that final plat the original "No Access" easement was removed from the Westwood Boulevard frontage. The easement now only extends approximately 13.67 feet south on Westwood Boulevard. The Westwood PUD document does not specify a required separation distance for drives; therefore it is at the Plan Commission's discretion with the Final PUD approval for each lot. For comparison, the Zoning Ordinance requires a minimum of 100 feet of separation between two access points along a local street, per Section 7.3(Part 1)(C)(3)(c)(iii). CVS has two access drives from Westwood Boulevard. The northern drive is separated approximately 144.5 feet from State Road 46 and approximately 139 feet from the southern drive. When the proposed lot is developed, it is likely their access point/points will align with the existing CVS property.

**Subdivision Control Ordinance Consideration(s):**

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application: Section 16.24.010(B)(1) Improvement of Existing Streets: Minor subdivisions shall be required to (1) dedicate right-of-way and (2) install any required sidewalks along the frontage of all new lots, with each consistent with the Thoroughfare Plan classification of adjacent streets and the specification of the City Engineer for arterial streets. The sidewalk requirement shall be determined by the Plan Commission for arterial streets.



**E.R. Gray**  
**& Associates**  
LAND SURVEYING

NOVEMBER 24, 2015

COLUMBUS / BARTHOLOMEW  
PLANNING DEPARTMENT  
JEFFREY R. BERGMAN, AICP  
PLANNING DIRECTOR  
123 WASHINGTON ST.  
SUITE 8  
COLUMBUS, INDIANA  
47201

**RE: REQUEST FOR MODIFICATION**

**WESTWOOD 5<sup>th</sup> REPLAT (MP-15-08)**

PLEASE ACCEPT THIS LETTER AS A FORMAL REQUEST TO SEEK MODIFICATION, FROM THE CITY OF COLUMBUS SUBDIVISION CONTROL ORDINANCE, OF THE CITY OF COLUMBUS PLAN COMMISSION.

WE ARE REQUESTING PARTIAL RELIEF FROM THE REQUIREMENT OF SIDEWALK CONSTRUCTION AS DESCRIBED IN SECTION 16.24.010(B)(1); OF THE CITY OF COLUMBUS SUBDIVISION CONTROL ORDINANCE OF CURRENT ADOPTION. IT IS REQUESTED THAT THE SIDEWALK BE DESIGNED DURING THE SITE PLAN PROCESS AND CONSTRUCTED WHEN THE SITE IS DEVELOPED.

IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE GIVE ME A CALL.

THANK YOU,

RIK L. SANDERS

SENIOR DIRECTOR, SURVEYS

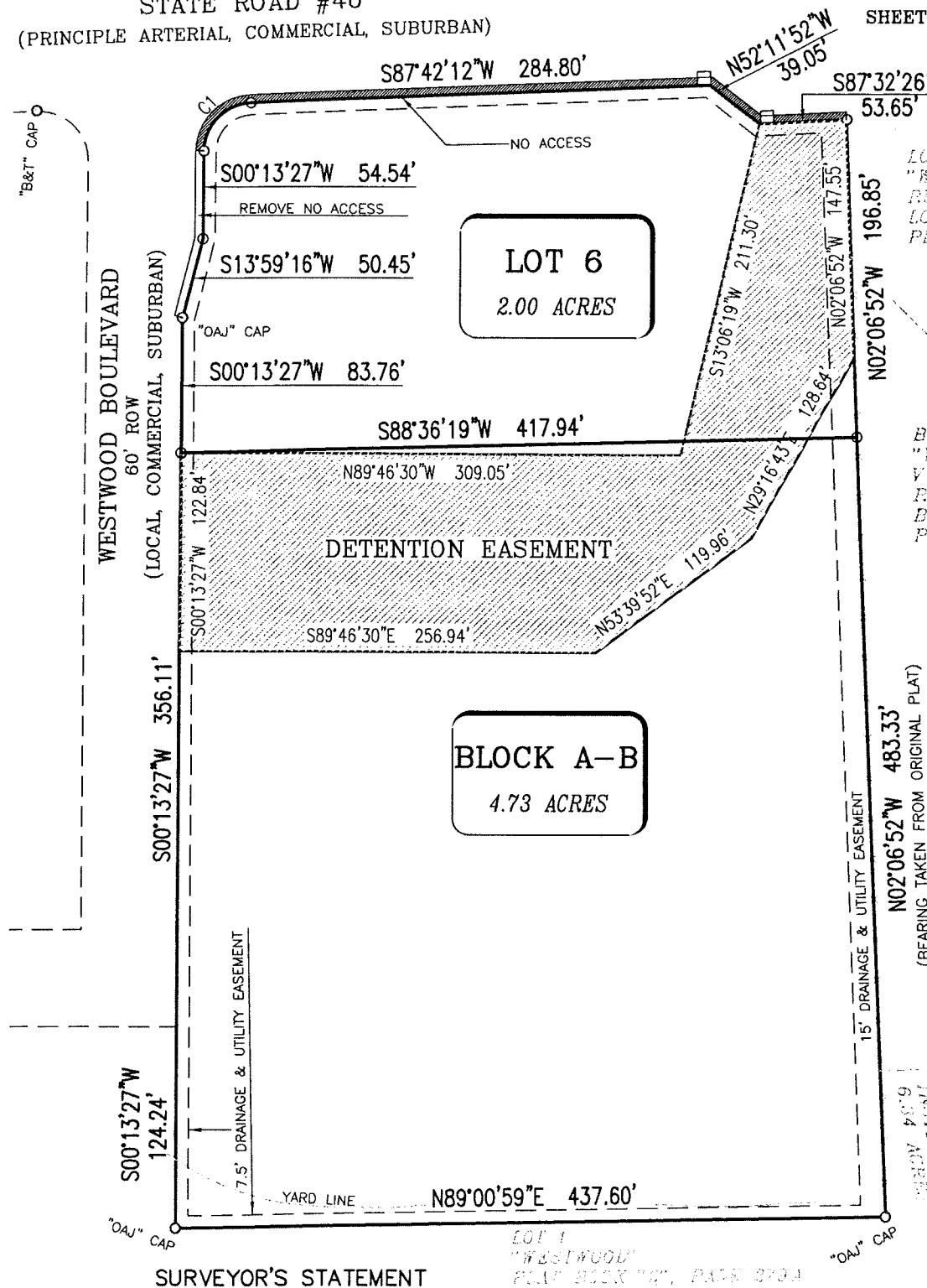
ERG JOB #15383

# Westwood 5th Replat

A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 5 EAST  
COLUMBUS TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA

SHEET 1 OF 1

STATE ROAD #46  
(PRINCIPLE ARTERIAL, COMMERCIAL, SUBURBAN)



LOT 6  
"WOODCREST A  
REPLAT OF  
LOTS 5, 6, & 7"  
PB "K", P84

BLOCK 7A  
"WOODCREST  
VILLAS A  
REPLAT OF  
BLOCK 7A"  
PB "K", P103

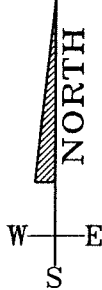
## PROPERTY DESCRIPTION

BLOCK A1 AS SHOWN ON THE PLAT OF "WESTWOOD 4th  
REPLAT" RECORDED IN PLAT BOOK "R", PAGE \_\_\_\_\_ IN THE  
OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY,  
INDIANA.

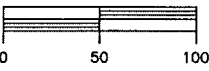
CURRENT OWNER OF RECORD:  
BREEDEN INVESTMENT GROUP, INC.  
AUD. PARCEL ID:  
#03-95-28-110-000.500-005  
#03-95-28-120-000.106-005

## ACREAGE TABLE

LOT 6	2.00 Ac.
BLOCK A-B	4.73 Ac.
TOTAL	6.73 Ac.



SCALE: 1" = 100'



DRAWN: RIK L. SANDERS

(ALL DIMENSIONS ARE FIELD AND RECORD)

## LEGEND

- 5/8"x30" REBAR AND CAP  
SET THIS SURVEY
- FOUND 5/8" REBAR
- FOUND INDOT CONC. ROW MARKER
- "OAJ" ORIGINAL PLAT MONUMENT

## OWNERS' CERTIFICATE

I THE UNDERSIGNED, MARK A. PRATT, PRESIDENT OF BREEDEN INVESTMENT GROUP, INC. OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "WESTWOOD 5th REPLAT" CONSISTING OF ONE LOT IDENTIFIED HEREON AS "LOT 6" AND ONE BLOCK IDENTIFIED HEREON AS "BLOCK A-B" AND CONTAINING IN ALL 6.73 ACRES.

CLEAR TITLE TO THE LAND CONTAINED IN THIS SUBDIVISION IS GUARANTEED.

THE SETBACK LINES SHALL BE DETERMINED BY THE REGULATIONS OF THE WESTWOOD PLANNED UNIT DEVELOPMENT.

THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF THE UTILITY OR CITY TO INSTALL, REPAIR, MAINTAIN OR REPLACE ITS INSTALLATION.

ALL DRAINAGE EASEMENTS IDENTIFIED ON THE PLAT ARE SPECIFICALLY AUTHORIZED TO BE USED FOR DRAINAGE PURPOSES. ALL GRADES SHALL BE MAINTAINED AS CONSTRUCTED. ADDITIONAL CUT AND FILL WORK WITHIN DRAINAGE EASEMENT AREAS IS PROHIBITED UNLESS AUTHORIZED BY THE ENGINEERING DEPARTMENT.

BLOCK A-A IN "WESTWOOD 4th REPLAT" IS HEREBY VACATED BY THIS PLAT.

LOT 6 AND BLOCK A-B ARE SUBJECT TO THE "DECLARATION OF COVENANTS AND CONDITIONS AND RESTRICTIONS" AS RECORDED IN "WESTWOOD 4th REPLAT".

WITNESS MY HAND AND SEAL THIS 5th DAY OF November, 2015.

*Mark A. Pratt*  
MARK A. PRATT, PRESIDENT OF BREEDEN INVESTMENT GROUP, INC.

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED MARK A. PRATT, PRESIDENT OF BREEDEN INVESTMENT GROUP, INC. AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS 5th DAY OF November, 2015.

*Mary R. Lacey*  
NOTARY PUBLIC MARY R. LACEY

*Bartholomew*  
COUNTY OF RESIDENCE

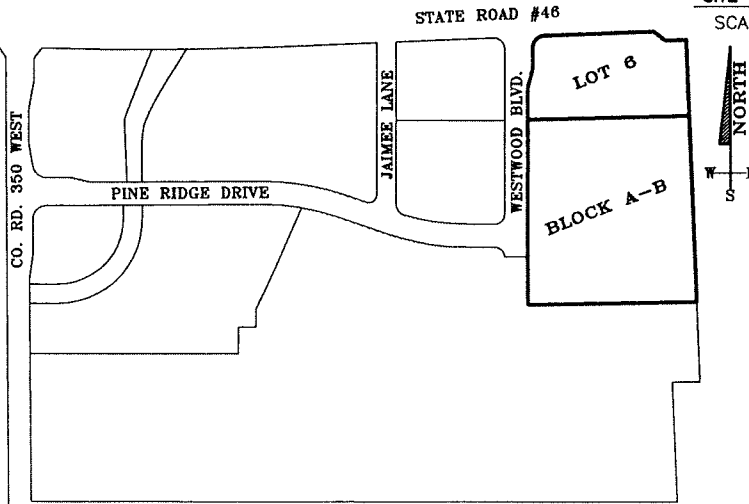
5.1.21  
MY COMMISSION EXPIRES



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	30.00'	45.80'	41.48'	S43°57'49"W	87°28'17"	28.70'

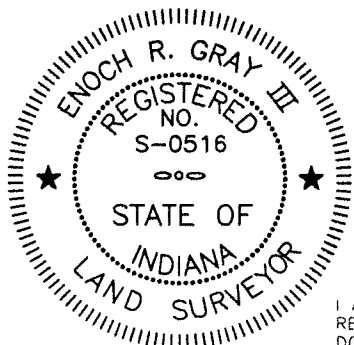
## SITE LOCATION MAP

SCALE: 1"=500'



## SURVEYOR'S STATEMENT

I, ENOCH R. GRAY, III HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT, TO THE BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME IN NOVEMBER OF 2015; THAT ANY CHANGES FROM THE DESCRIPTION APPEARING ON THE LAST RECORD TRANSFER OF THE LAND CONTAINED IN THE FINAL PLAT ARE SO INDICATED; THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST OR WILL BE INSTALLED. I MAKE NO REPRESENTATION, EXPRESSED OR IMPLIED, AS TO THE SUITABILITY OF THIS REAL ESTATE FOR THE CONSTRUCTION OF BASEMENTS.



I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. ENOCH R. GRAY, III

## PRIMARY APPROVAL

UNDER AUTHORITY PROVIDED BY IC 36-7-4-700, SUBDIVISION CONTROL, AND ANY AMENDMENTS THERETO, THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE CITY OF COLUMBUS, INDIANA AS FOLLOWS: APPROVED BY THE CITY PLAN COMMISSION AT A MEETING HELD DECEMBER 09, 2015

CHAIRMAN -

SECRETARY -

VOID UNLESS SECONDARY APPROVAL IS RECEIVED BY:

## SECONDARY APPROVAL

ALL CONDITIONS OF PRIMARY APPROVAL HAVE BEEN MET AND THIS PLAT IS GRANTED SECONDARY APPROVAL. APPROVED BY THE PLANNING

DEPARTMENT \_\_\_\_\_, 20\_\_\_\_.

JEFFREY R. BERGMAN, AICP, PLANNING DIRECTOR

VOID UNLESS RECORDED BY \_\_\_\_\_, 20\_\_\_\_.

## AUDITOR'S CERTIFICATE

THE REAL PROPERTY HAS BEEN DULY ENTERED FOR TAXATION AND TRANSFERRED ON THE RECORDS OF THE AUDITOR OF BARTHOLOMEW COUNTY,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BARBARA J. HACKMAN, BARTHOLOMEW COUNTY AUDITOR

## RECORDING CERTIFICATE

RECORDED IN PLAT BOOK "R", PAGE \_\_\_\_\_, THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2015 AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

INSTRUMENT NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

ANITA L. HOLE, BARTHOLOMEW COUNTY RECORDER

A NOTATION HAS BEEN MADE ON THE ORIGINAL PLAT OF "WESTWOOD 3rd REPLAT" RECORDED IN PLAT BOOK "R", PAGE \_\_\_\_\_

SURVEYOR'S REPORT RECORDED IN \_\_\_\_\_

JOB #15383

E.R. GRAY & ASSOCIATES

PROFESSIONAL LAND SURVEYING AND CONSULTING

E.R. GRAY III, L.S.  
PRESIDENT

P.O. BOX 1357  
COLUMBUS, INDIANA 47202  
BUS. 812-372-7398 FAX 812-372-2175

EXISTING FEATURES

STATE ROAD #46

EXISTING DRIVE

EXISTING DRIVE

EXISTING DRIVE

WESTWOOD BLVD.

PROPOSED LOT 6

PROPOSED BLOCK A-B

PINE RIDGE DRIVE



SCALE: 1"=100'